

Tompkins County Legislature
March 2, 2010

APPROVED 3-16-10

Pledge of Allegiance to the Flag and Roll Call of Members

Members and guests participated in the Pledge of Allegiance to the Flag.

Present: 15 Legislators. (Mr. Shinagawa arrived at 5:40 p.m.)

Moment of Silence – Anthony B. DeLuca

Ms. Robertson requested a moment of silence for former Mental Health Commissioner Anthony “Bart” DeLuca who recently passed away. She said Mr. DeLuca retired in 2004, after 27 years of service and that the County owes its Mental Health Building and long-sought single-room occupancy residence on Third Street to Mr. DeLuca's initiative and foresight.

Presentation of Proclamation

Ms. Robertson read a proclamation declaring the hour of 8:30 p.m. to 9:30 p.m. on March 27, 2010 as “Earth Hour in Tompkins County” and presented it to Dooley Kiefer, District No. 10 Legislator. Ms. Kiefer spoke of how participation has increased each year. She recommended the earthhour.org website to see who is participating in the event.

Privilege of the Floor by the Public

Jim Semp, Town of Ithaca, read the following statement:

“I am here this evening to introduce to the Tompkins County Legislature the idea of watershed protection as a means of addressing the adverse effects of gas drilling, using the hydro-fracking process, on our counties waterways. Natural gas development companies have decreed that they will not drill in the New York City watershed area, lying largely in the Catskill Mountains. How is our drinking water any less important?

“1) **Cayuga Lake** and its watershed serves as a source of water for tens of thousands of persons living in Tompkins County. All those receiving water through the Bolton Point Water System, including those in the Towns of Dryden, Ithaca, and Lansing, and the Villages of Cayuga Heights and Lansing. Also, all the lakefront homes in the Towns of Ithaca, Lansing, and Ulysses that use Cayuga Lake as a pure water source are added to the list. Protect this area within Tompkins County.

“2) **Ithaca City Reservoir** and its watershed including **Six Mile Creek** and all its tributaries upstream of this reservoir, serves as the source of pure drinking water for over 30 thousand persons in the City of Ithaca. Protect this area within Tompkins County.

“3) The watershed of **Fall Creek** and its tributaries upstream of the Cornell Water Plan provides drinking water for tens of thousands at Cornell University every day. Protect this area within Tompkins County.

“Thank you for your time and attention to this very important matter.”

Mr. Shinagawa arrived at this time (5:40 p.m.)

Privilege of the Floor by Legislators

Mr. Dennis, District No. 15 Legislator, said recent Distinguished Youth Award recipient, John Nord, was a former student at Northeast Elementary school. He described the young man as a hardworking youth who will go far.

Mr. Proto, District No. 7 Legislator, congratulated Cornell University for its basketball and hockey wins, Syracuse for its basketball standings, and the Olympic ice hockey teams. He then reported on a rate increase request by New York State Electric and Gas Corporation (NYSEG). He recalled when Iberdrola purchased the company electric maintenance staff levels were reduced and the company had agreed to undertake a self-assessment; to date the outcome of the assessment is unknown. He intends to reach out to NYSEG and the Public Service Commission for clarification of the assessment. Mr. Proto announced there would be a meeting of Land Owner Coalitions: Emerging Opportunities for Grassroots Organizing Around Natural Gas Leasing on Saturday, March 13, from 1-3 pm at the Dryden Fire Hall.

Ms. Pryor, District No. 6 Legislator, announced a Community Supported Agriculture (CSA) Fair will take place on Sunday, March 21st from 12-3 p.m. at Boynton Middle School. This program is a cooperative program that allows farmers and local residents to have access to fresh food. She then announced that on March 27th from 10 a.m. to 4 p.m. the annual AgStravaganza event would be held at The Shops at Ithaca Mall; this event has many activities that help familiarize residents with the agricultural community.

Mrs. McBean-Clairborne, District No. 2 Legislator, announced March is Women's History Month. She said the community's heart is heavy, especially the community that includes people of color. It reminds her of the work Workforce Diversity and Inclusion Committee is doing with regard to sensitivity. On March 18th the annual Sister-Friends Luncheon will take place with Amy Dickinson of "Ask Amy" being the keynote speaker. In addition to many displays there will be a women's market as well. Tickets are \$20 per person and may be purchased at the Multicultural Center as well as Greater Ithaca Activities Center. She said the event shares the history, lives, and celebration of being a woman.

Mr. Robison, District No. 9 Legislator, noted Tompkins Cortland Community College's men and women's basketball teams success this season, making the regional finals. With regard to the tragic event that occurred last week involving Mr. Greenwood, Mr. Robison said he hopes everyone keeps their hearts open to the community and to the men and women in law enforcement. He has worked in law enforcement and said it is very difficult for them; he hopes as time goes on everyone will learn from the incident. He then asked Mrs. McBean-Clairborne to address the matter.

Mrs. McBean-Clairborne said hearts are heavy due to the loss of an esteemed elder, Francis Eastman, an active, contributing member of the Ithaca community and Tompkins County. She served on a number of boards and was also a matriarch in the black community. She was first in a number of things and several years ago the Office for the Aging recognized her as Senior Citizen of the Year. There will be a memorial tribute held later in the year.

With regard to the tragic incident of shooting and killing of a young African-American male, Mrs. McBean-Clairborne said regardless of the thoughts that people may have, there's still a human being who has died, a mother who has lost a son, and children without a dad. Our law enforcement officers are hurting as well, with their families also affected. She is thinking of all of them and hope as things proceed everyone will share and heal with each other rather than pointing fingers and hurting each other. She said there was a beautiful service for Mr. Greenwood today. She hopes everyone can exercise respect for each other and work through this.

Mr. Lane, District No. 14 Legislator, commended all those involved in the rapid recovery from the snowstorms that hit the area. He said the County, municipalities, public safety employees, tow-truck operators, and power company crews all showed how effectively they respond when necessary.

Ms. Mackesey, District No. 1 Legislator, thanked everyone involved in the gas drilling discussions and said it is an issue many people are concerned about. She recommended that individuals take time to educate themselves on the topic, and the potential impact it may have on the community.

Mr. Burbank, District No. 12 Legislator, said today he participated in an orientation tour of the Public Safety Building. He encouraged other Legislators to participate in the various tours to observe departments and have the opportunity to speak with department heads outside of the budget process. He thanked Mrs. McBean-Clairborne for her work on the radio regarding Black History Month.

Ms. Chock, District No. 3 Legislator, spoke of the upcoming tour of the Workforce Development Office and One-Stop Center that will be on March 9th at 10:15 a.m. She spoke of the need for the workforce training provided by the One-Stop Center and of evidence of growing unemployment. She cited an Ithaca Journal article of that morning regarding another 200 jobs that might be lost in the region. According to the article, NYSEG is asking employees at a NYSEG call center south of Tompkins County to take up to a fifty percent pay cut to avoid closing of the call center. She also acknowledged the information provided earlier by Mr. Proto about a NYSEG request for a rate increase.

Ms. Robertson, District No. 13 Legislator, announced there will be a presentation on March 4th at the Tompkins County Public Library of the T.G. Miller Water and Sewer infrastructure study. This presentation will include information on the existing infrastructure in Tompkins County and what is needed to enhance and add infrastructure. She announced Onondaga County passed a resolution asking the State to ban gas drilling statewide pending additional studies on the dangers of hydrofracking. It also asked that counties have permission to ban as well. She also announced a Marcellus Challenge Energy Fair being held March 3rd at the Women's Community Building that will show how local governments are actively engaging in the topic.

Presentation – Tompkins Cortland Community College Annual Report

Dr. Carl Haynes, President, told the Legislature the College is strong and has accomplished much in the past year. But while enrollment is growing (up by more than 14% as of the fall) and will continue to grow, he cautioned that the College would face the ongoing challenge of supporting more people with fewer resources. With the Governor's executive budget for the next fiscal year proposing a more than 15 percent cut in support, President Haynes predicted the proposed \$1.6 million reduction "will be much more than local taxpayers and students will be able to offset." With uncertainty about the pace of the economic recovery, the College, he said, will need to respond to short-term challenges, while also focusing on the long term.

Among recent achievements: the Middle States Commission recognized TC3's institutional assessment program as one of the best in New York State; the "CollegeNow" concurrent enrollment program for high school students earned accreditation (one of only 44 colleges nationwide); the College advanced to the design stage for a new Cortland County extension Center, opened a new, centralized learning and technology center, expanded its cross-disciplinary "learning community" courses, and completed two small capital projects to add classrooms and renovate its cafeteria, both at or under budget. While student retention has increased, so has the demand for financial aid.

The College continues to work hard to gain insight on how to meet its challenges by data-driven decision making—learning from data and developing strategies from it. He reminded Legislators that a recent socio-economic modeling study showed that TC3 contributes \$155 million per year to the region's economy, and improves the area's quality of life.

Mr. Stein asked whether one program would have more impact than others within the community. Dr. Haynes said he had not looked at that level of detail regarding particular academic programs but a more broad view of the difference of having an Associates degree versus none.

Ms. Chock asked what effect the economic decline has had on student enrollment, particularly with regard to the ability to transfer to other local educational facilities. Dr. Haynes said it appears students are gravitating toward community colleges for experience, and parents recognize economically it is a “smart start” with regard to college education. He said part of the growth is due to the economy, and that over the past five to six years the average age of students is younger, partly due to housing availability. He noted the interest in transfer programs has been increasing and that fifty-six percent of transfers were to a SUNY institution. The restructuring completed by Cornell University would affect student transfers. Dr. Haynes said the College would not become a baccalaureate institution, however, where there is a need they would facilitate access, for example, by bringing Delhi’s nursing program into campus.

Mr. Proto asked what Dr. Haynes felt the biggest challenges would be in the next year. Dr. Haynes said the college will see growth, an erosion of resources, and the need to serve more people with the same or fewer staff. Dr. Haynes said the college has gone through these periods in the past and while he is concerned, he is working to address the short-term needs while working on long-term initiatives.

Dr. Haynes was asked to provide the Legislature with a copy of the full report and executive summary of the “State of the College”.

Ms. Robertson asked if there would be a LEED (Low Energy Election Diffraction) certification program offered at the college. Dr. Haynes said it was not a degree program but would provide training and certification in the construction technology program. It was also noted that the College is very involved in the upcoming census.

Chair’s Report and Appointment(s)

Ms. Robertson also encouraged Legislators to take advantage of the department orientations and said to contact Department Heads if the current schedules would not work for them. She thanked Ms. Younger, Mr. Shurtleff, and Sheriff Meskill for their work during the snowstorms on Thursday and Friday, noting that although challenging it showed how well the communication systems in place work. She then announced the next Legislature/Department Head meeting would take place on March 23rd. This session will focus on how to approach the 2011 budget. The Legislature budget retreat would follow in April.

Report from the County Administrator

Mr. Mareane expressed appreciation to the workforce for their response to the snowstorm, particularly Highway Division workers. The Health Benefits Consortium is continuing to obtain labor union feedback regarding the advisory board requested by the State. Mr. Mareane said at this time it is costing the County an additional \$20,000 per month for the existing plan versus the Health Benefit Consortium plan, with all parties having to pay the higher cost until this is resolved. He requested an executive session to discuss a real estate negotiation at the end of the meeting. Mr. Mareane expressed his appreciation to everyone for their thoughts and kind words regarding the loss of his mother-in-law this past week.

Report from the County Attorney

Mr. Wood had no report. He announced the Facilities and Infrastructure Committee meeting on March 5th would include a report on the future direction of the Recycling and Solid Waste Center.

Report from the Finance Director

Mr. Squires had no report.

Addition and Withdrawal of Resolution(s) from the Agenda

There were no resolution(s) to be added to or withdrawn from the agenda.

Approval of Resolution(s) Under the Consent Agenda

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote, to approve the following resolution(s) under the Consent Agenda.

RESOLUTION NO. 24 - APPROVAL OF APPOINTMENT TO THE TOMPKINS COUNTY COUNCIL OF GOVERNMENTS (TCCOG)

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, the Tompkins County Council of Governments is an association of local governments organized to provide a forum of discussion, study, and negotiation leading to agreements for more efficient, improved, and/or less costly delivery of government services, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That Martha Robertson be appointed as the voting member and Dooley Kiefer as the alternate member to the Tompkins County Council of Governments.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 25 - DELEGATION OF AUTHORITY TO AUTHORIZE CERTAIN TAX REFUNDS AND CREDITS OF \$2,500 AND UNDER

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, Section 554 of the Real Property Tax Law authorizes a tax-levying body to delegate the correction of tax rolls due to a clerical error, an error in essential fact, or an unlawful entry (an unlawful entry is any information on the tax roll that violates the Real Property Tax Law), and

WHEREAS, Section 556 of the Real Property Tax Law authorizes a tax-levying body to delegate the payment of tax refunds due to a clerical error, an error in essential fact, or an unlawful entry, and

WHEREAS, it is the opinion of the Government Operations Committee, that such delegation would be more efficient in processing said refunds and therefore beneficial to the taxpayer, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the County Director of Assessment shall transmit corrections and/or refund recommendations to the County Administrator,

RESOLVED, further, That the County Administrator is hereby authorized to allow payments of bills where recommended refund or credit is \$2,500 or less, without prior audit by the tax-levying body, in compliance with Paragraph 9 (a), (c) of Section 554, and Paragraph 8 (a), (c), (d), and Paragraph 9 and 10 of Section 556 of the Real Property Tax Law,

RESOLVED, further, That any refund or credit over \$2,500 must be approved by the Tompkins

County Legislature pursuant to Paragraphs 8 (a), 9, and 10 of Section 566 of the Real Property Tax Law, except for refunds amounting to over \$2,500 as a result of Real Property Tax Law Article 7 litigation ordered by the New York State Supreme Court,

RESOLVED, further, That the County Administrator shall transmit on or before the 15th day of each month a report to the Tompkins County Legislature of all the corrections and refunds processed,

RESOLVED, further, That this resolution shall only be in effect during the calendar year 2010.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 26 - APPROVAL OF 2010 SUCCESSION OF MEMBERS OF THE COUNTY LEGISLATURE TO SERVE IN THE ABSENCE OF THE CHAIR AND VICE CHAIR

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, Section 2.06 of the County Charter, specifies the succession of members of the Legislature be designated annually by resolution to serve in the absence of the Chair and Vice Chair, and

WHEREAS, the Government Operations Committee recommends the chairs of standing committees be designated taking into consideration availability and Legislative experience, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the following order of succession of County Legislators for the year 2010 or until successors are appointed be approved to serve in the absence of the Chair and Vice Chair:

Chair, Health and Human Services Committee

Chair, Government Operations Committee

Chair, Budget, Capital and Finance Committee

SEQR ACTION: TYPE II-20

RESOLUTION NO. 27 - APPROVING REVISIONS AND ABOLISHING POLICIES AND PROCEDURES OF THE TOMPKINS COUNTY GOVERNMENT ADMINISTRATIVE POLICY MANUAL

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, it is in the interest of Tompkins County government to have policies and procedures that are current, accurate, and consistent, and

WHEREAS, the following administrative policy requires revision to more accurately reflect current regulations and procedures, and

WHEREAS, this administrative policy has been reviewed and processed according to the guidelines of Policy 01-04: Modifying the Administrative Manual: The Policies and Procedures of Tompkins County Government:

Policy 01-42: Closing, Suspension, or Modification of County Operations

WHEREAS, this policy also has been reviewed by the Government Operations Committee, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the following revised Administrative Policy is hereby adopted:

Policy 01-42: Closing, Suspension, or Modification of County Operations

SEQR ACTION: TYPE II-20

RESOLUTION NO. 28 - APPROVAL OF DESIGNATIONS OF SUCCESSORS

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, Section 31.07 of the County Charter specifies that the County Administrator and specified department heads shall designate in writing, and in order of succession, the deputies (or in the absence of officially designated deputies, the employees of the department) who shall possess the powers and perform the duties of the principal in the event of the latter's absence from the County or inability to perform or exercise the powers of the office, and

WHEREAS, the Charter further requires those designations, except department heads elected on a countywide basis, to be approved by the Tompkins County Legislature, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the following designations of successors are hereby approved,

RESOLVED, further, That this list is complete and supercedes all previous designations:

Airport Manager:	Assistant Airport Manager Operations Supervisor and ARFF Chief Airport Terminal Services Coordinator
County Administrator:	Deputy County Administrator County Attorney Comptroller
County Attorney:	Deputy County Attorney
Commissioner of Social Services:	Director of Services Communication Center Manager Staff Development and Quality Coordinator
Director of Emergency Response:	Communication Systems Manager Assistant Fire and Emergency Management Director Communication Center Manager
Public Health Director:	Public Health Administrator (May act on a temporary basis only) Director of Patient Services
Medical Examiner:	Deputy Medical Examiner, William Klepack, M.D. Deputy Medical Examiner, David Newman, M.D.
Mental Health Commissioner:	Deputy Commissioner Mental Health Clinical: Medical Director Clinic Supervisor-Clinic Assessment and Continuing Day Treatment Clinic Supervisor-Outpatient Services Administration: Fiscal Coordinator Administrative Services Coordinator
Director of Finance:	Budget and Finance Manager Director of Accounting Services
Commissioner of Personnel:	Deputy Commissioner of Personnel
Commissioner of Planning and Public Works:	Planning: Deputy Commissioner of Planning Principal Planner Public Works by Division: Airport: Airport Manager Facilities: Director of Facilities Highway: Highway Manager Solid Waste: Solid Waste Manager
Elected Officials: (For Information Only)	

Sheriff: Under Sheriff
District Attorney: Assistant District Attorney
County Clerk: Deputy County Clerk
SEQR ACTION: TYPE II-20

**RESOLUTION NO. 29 - ADJUSTMENTS TO THE 2010 BUDGET – CITY OF ITHACA –
MUNICIPAL SALES TAX AGREEMENT**

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote under the Consent Agenda.

WHEREAS, Resolution No. 87 of 1993 gave authorization for the County to enter into an agreement with the City of Ithaca for the distribution of sales tax proceeds, and

WHEREAS, the County pays for selected services provided by the City in an amount that increases or decreases yearly based on the percentage change in actual sales tax collected in the City of Ithaca, and

WHEREAS, actual collections within the City of Ithaca decreased by 4.97 percent in 2009, and

WHEREAS, budget adjustments are necessary to recognize the reduction in sales tax, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the Director of Finance be authorized and directed to make the following 2010 County budget adjustments:

BUDGET ADJUSTMENT:

	Adopted 2009 Budget	Actual share of 2009 sales tax revenues	Difference, to be recouped by County in 2010 Budget
OAR A6315.54400	7,433	7,064	-369
OAR A6315.41110	7,433	7,064	-369
HSC Agencies A6305.54400	315,749	300,056	-15,693
HSC Agencies A6305.41110	315,749	300,056	-15,983
County/City Program A6901.54666	450,000	419,719	-30,281
County/City Program A6901.41110	450,000	419,719	-30,281
<u>Total Change</u>			<u>-46,343</u>

SEQR ACTION: TYPE II-20

Approval of Appointment(s) Under the Consent Agenda

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote under the Consent Agenda, to approve the following appointments. APPOINTMENTS APPROVED.

Traffic Safety Committee

Peter Meskill, Sheriff; term expires December 31, 2012

Ethics Advisory Board

Faust F. Rossi – term expires December 31, 2013

Report from the Government Operations Committee

Mr. Lane, Chair, reported the Committee met on February 18th and had a tour of the County Clerk's office following regular business. The Committee was provided a written report by Mr. Franklin, Director of Assessment, on the equity maintenance program (annual assessments). The past year showed, on the whole, a stable market with some areas of changes. He reported staff doing a parcel-by-parcel review in the towns of Enfield, Lansing, and Newfield. Overall Tompkins County is not experiencing declines in value that other areas of the country have, although there have been some backward trends due to reduced sales in 2009. Mr. Franklin said that also due to a lack of data at this time it is difficult to determine how oil and gas leasing would affect assessed values.

Mr. Lane said that with regard to broadband, there are two items being discussed. The first involves the Tompkins County Council of Governments participating in an application being prepared by the Southern Tier Eastern Regional Planning and Development Board (STERPDB). The application is for the next round of Stimulus money for broadband to build a fiber backbone from Binghamton to Rochester. The second item relating to broadband is the request from Google to launch their experiment of ultra high-speed broadband. They are looking for potential pilot communities and local governments across the country to complete a Request for Information (RFI) to see which sites best qualify. A group is forming with Cornell University and others who will meet on March 5th.

Mr. Dennis asked about the Clarity Connect application previously supported for a fiber backbone and was informed it did not receive an award in the first round of stimulus funding. At this time they are working on another application for the second round of Stimulus funding for a more finite system instead of a fiber backbone. Ms. Chock said Clarity Connect's application did not get into the first round.

Report from the Planning, Development, and Environmental Quality Committee

Ms. Mackesey, Chair, said the Committee will meet on March 3rd at 3:30 p.m.

Report from the 2010 Census Committee

Ms. Mackesey, Chair, expressed appreciation to Mr. Sutherland for the tremendous work he has undertaken to coordinate the upcoming census. A kick-off event will take place on March 10th in the lobby of the Tompkins County Public Library and everyone is welcome to join the event. Ms. Mackesey shared statistical information regarding the census, including: every census form returned saves \$60-\$70, the cost of sending an individual to a home to obtain the information (up to six trips to a location are made to attempt to complete the questionnaire); the questionnaires are available in five languages, with other language assistance provided as needed. The Question and Answer Centers that will be open over the period for March 19th to April 19th, are: Tompkins County Public Library; Student Agencies in Collegetown; a split location of Tompkins Cortland Community College and the Village of Dryden; the Human Services Building, and the Shops at Ithaca. It was noted that Cayuga Press offered to print 2,500 information sheets and 60 signs to be placed on TCAT buses; TCAT has donated the advertising space to do so.

Mr. Shinagawa spoke of Mr. Sutherland's participation at an Asian-American Association meeting recently to provide information on the upcoming census.

Ms. Robertson noted there would not be a mailed census form to individuals who have a Post Office Box address; these homes would be counted through door-to-door visits by census workers.

Report from the Budget and Capital Committee

Ms. Herrera, Vice Chair, reported the Committee met on February 22nd and continued to hear more information on the economic downturn. After discussion, the Committee approved the resolution requiring adjustments to the municipal sales tax agreement with the City of Ithaca due to a reduction of sales tax revenue. She said there needs to be continued discussions with the Human Services Coalition about how they could make adjustments in their agency budgets due to information on actual receipts. In addition, the Committee learned from the Finance Director that the January cash balance was low due in part to the anticipated decline in sales tax revenue during 2009 coupled with the delayed release of State aid. Ms. Herrera noted it appears that sales tax revenue is stabilizing but there is a decline in sales tax outside of the City of Ithaca and the City sales is remaining flat. January sales tax is down three percent. Mr. Squires also distributed a "Local Government Snapshot" from the NYS Comptroller's Office and reviewed the contents with the Committee. He said because of the regressive nature of the sales tax we get a majority of sales tax revenue from gasoline, fuel sales, and home energy. Ms. Herrera said New York State Association of Counties is pushing for transparency from the State regarding sales tax to provide counties with an understanding of what drives the sales tax. Not all counties in the State tax energy; however, it represents a large amount of revenue in Tompkins County.

The Committee discussed the State pension fund and Mr. Mareane presented information on two amortization options. The Comptroller's plan is permanent and would increase the minimum payment that would be made; the Governor's plan is a short-term, five-year proposal that would allow governments to borrow for pension costs that exceed certain thresholds (above 9.5%) at an interest rate of 8%. Ms. Herrera said a decision would have to be made on how to address pension costs during the budget process. The fringe rate is currently at forty percent and is anticipated to grow to sixty percent.

Ms. Herrera said Ms. Jayne submitted a report on estimated State aid reductions and distributed a document outlining the total County impact of the Governor's proposed budget.

The next meeting will be on March 8th. She said County staff assist the Committee by providing an understanding of how reductions affect the County.

Mr. Dennis said all the counties in the State are awaiting the outcome of the State Budget and the next thirty-five days will be critical to residents of the State as well as those receiving services. Ms. Robertson said most states in the country are having similar concerns.

Mr. Proto asked about Solid Waste's concern regarding loss of income for product and regarding the amortization proposals. Mr. Mareane spoke of the Solid Waste budget and said the commodity prices had bottomed out mid-year and are now coming back. The Solid Waste Division adjusted its spending plan early in the year and kept the budget in line. With regard to pensions, the details of the two proposals are not concrete and each may have its own rules. Mr. Mareane said he and Mr. Squires will be lobbying to allow the County to borrow on its own at 4% – 5% interest versus 8 percent.

Mr. Lane asked if the funds were borrowed from the State, where would the State obtain them. He then spoke of how the State has previously delayed approval of the budget to help determine the revenue streams; given the present situation there may be a similar delay this year.

Mr. Stein said the State, like other government entities, has difficult budget decisions; perhaps the State sees the ability to earn funds through borrowing as a source of revenue. Mr. Mareane said the State would not actually borrow funds, rather, they would defer the payment of what is owed. The eight percent is what is needed to help the pension regain equilibrium, which is why this figure was chosen.

Ms. Chock asked is the Pension fund is a dedicated fund or can the County borrow from other areas of its budget for these payments. It was clarified that it may be possible to pay the pension bill and

borrow for other projects. Mr. Mareane said the policy decision needing to be made is whether to borrow and if so, how much. The next pension bill is due in December 2010.

Mr. Robison said it is his understanding that the cost of the pension fund at present is 9-10 percent of local budget. Mr. Mareane said it is, and the State projection is an increase to 23.5 percent of the County's payroll by 2013.

Report and Presentation of Resolution(s) from the Public Safety Committee

Mr. Shinagawa, Chair, reported the Committee met on March 1st and heard a report and department introduction from Offender Aid and Restoration. In addition, Ms. Bodner gave a review of the evaluation of three alternatives to incarceration programs: (1) Drug Treatment Court; (2) Felony Drug Court; and (3) Day Reporting. A review of the programs' success was based on the demographics involved in the programs and the success rates based in a variety of ways including the percentage that find employment or pursue higher education following the program. Overall, it showed that the program was successful for at least half the participants, keeping them out of jail or state prisons. It was noted there would be a more complete picture if recidivism rates could be determined; work is being done with the Probation Department to determine if that is possible. There will be a second presentation covering the costs of the programs, which will help us to understand the full picture of the programs.

The Committee also had a presentation of the computer-aided dispatch (CAD) system used for 911 location system, showing vehicle locations, maps, telephone bases, corresponding mobile data system, and a record management system. The present system is old, outdated, and various systems are unable to communicate with one another. A system upgrade would allow various emergency responders and public safety officers to communicate with one another. Mr. Shinagawa noted \$1 million was earmarked for this upgrade as part of the 911 communication project.

In response to Mr. Proto's request, Mr. Shinagawa will leave a copy of the full ATI evaluation in the Legislature office.

A lengthy discussion regarding the Alternatives-to-Incarceration report took place, with Legislators stressing the importance of knowing recidivism rates to more fully determine success of the various programs. Mr. Shinagawa noted that due to privacy issues it is very difficult to be able to follow individuals once they complete programs. He suggested a study could take place utilizing codes rather than names to follow clients, but said it would be difficult to do at this time due to the reduction of staffing at the State level in this difficult economic period. Mr. Robison said he believes New York State may be willing to open records to someone wanting to review this information. He pointed out that Ms. Bodner said New York State undertook a study in 2003 of eleven court and federal programs, using a larger control group, which showed there was a reduction in recidivism for program participants. Inmates are identified by numbers, not by name; in 1995 the GAO was able to do an analysis – why can't we?

Mr. Proto said there has always been a question of cost effectiveness in the programs; the Alternatives-to-Incarceration program was created as a pilot to determine if there is a savings versus incarceration. He is not convinced it is cost-effective.

Mr. Stein said there is no way to accurately compare conventional incarceration to Alternatives-to-Incarceration programs with the alternative, which is incarceration. The emphasis should be on comparing the cost of our programs with similar programs, and on other measures of success besides recidivism.

Ms. Herrera said future discussion might include what the impact on the community is.

Mr. Shinagawa thanked Mr. Stein and Ms. Herrera for the points they made. He believes the Felony Drug Court has shown success by the number of individuals who have completed the program and are abstaining from drug use and have found gainful employment and/or completed their GED.

Ms. Robertson said she believes the Alternatives-to-Incarceration programs are a core portion of our approach to criminal justice over the past ten years. Often there is the question of how to compare Alternatives-to-Incarceration success to incarceration success and perhaps there is still a need to do so. She noted Ms. Bodner did an excellent job preparing the report.

Mrs. McBean-Clairborne spoke of this topic having many questions to be answered. She asked that people who have ideas that may assist in providing answers to bring them forward. She said this topic would continue to be discussed at the Committee level.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, said the Committee met on February 24th with the bulk of the meeting being a discussion on handicapped parking. Research will be done on the specific Americans with Disabilities Act to ensure compliance. A discussion was also held regarding use of the Martin Luther King, Jr., Street as the official address of County offices located on the duly-designated street. Although the name is registered with the United States Post Office it appears there are questions on use of the new name.

Mrs. McBean-Clairborne spoke of the February 18th meeting at the Women's Community Building relating to immigration reform and noted there is a rally on March 21st and all are invited to attend.

The "People-Friendly Workplace Survey is being refined and should be completed soon. Ms. Reistetter, Workforce Diversity and Inclusion Project Assistant, has been assisting on Civil Service test training.

Mr. Proto complimented Mrs. McBean-Clairborne on the recent article in the *Ithaca Journal* relating to employment, noting it brought exposure to a great deal of information not normally covered. Mrs. McBean-Clairborne said it highlighted leaders in the community, providing them with recognition.

Report and Presentation of Resolution(s) from the Health and Human Services Committee

Mr. Proto, Chairman, said the Committee will meet on March 10th. He is hoping to have a resolution prepared that outlines support for retaining the standard recommendations for mammograms rather than the Center for Disease Control recommendations. He also said there may be a discussion regarding the Family Health Care Decisions Act as it pertains to health care proxy designation. There are possible amendments that would provide physician authority to make decisions if no relative is present. Mr. Proto spoke of the Governor's proposed budget having an impact on nursing homes and facilities. Mr. Proto announced there would be a pharmaceutical collection day held at the Tompkins County Area Transit building. This event provides for proper disposal of old medications, however, it will not include needles.

Mr. Proto spoke of Mr. DeLuca's passing and recalled him as a fine gentleman and that he had the ability to get a great deal of funding from the State for programs. He was innovative and many of the programs the County has are the result of his efforts.

RESOLUTION NO. 30 - APPROPRIATION FROM CONTINGENT FUND FOR TERMINAL-PAY REIMBURSEMENT - MENTAL HEALTH DEPARTMENT

It was MOVED by Mr. Proto, seconded by Ms. Kiefer. A short roll call resulted as follows:
Ayes – 15; Noes – 0. RESOLUTION ADOPTED.

WHEREAS, during 2009, four Mental Health employees terminated their employment with Tompkins County, and

WHEREAS, the Fiscal Policy of Tompkins County allows for reimbursement of terminal pay to the Department from the Contingent Fund, now therefore be it

RESOLVED, on recommendation of the Health and Human Services and the Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation:

FROM:	A1990.5440	Contingent Fund	\$ 47,581.87
TO:	A4310.51000285	Salary - Psychiatric Social Worker	\$ 1,732.01
	A4310.58800	Fringe	\$ 623.52
	A4310.51000535	Salary - Sr. Caseworker	\$ 32,071.76
	A4310.58800	Fringe	\$ 5,201.14
	A4311.51000591	Salary - Community Mental Health Nurse	\$ 5,415.24
	A4310.58800	Fringe	\$ 1,017.92
	A4311.51000591	Salary - Case Aide	\$ 1,117.85
	A4310.58800	Fringe	\$ 402.43

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Report from the Facilities and Infrastructure Committee

Ms. Kiefer, Chair, said the Committee would meet on Friday, March 5th. At that time information would be heard regarding the Recycling and Solid Waste Center as well as having a presentation on the 2010 Road Program. In response to Mr. Proto's question, Ms. Kiefer said information regarding the Request for Proposals regarding operations of the Recycling and Solid Waste Facility will be discussed.

Mr. Proto reported he had heard from five individuals who were utilizing the long-term parking lot at the Airport who expressed concern they may not be able to remove their vehicles due to the amount of snow. Mr. Proto said Mr. Nicholas and Ms. Nobel, Airport administration staff, and Mr. Daniels, who holds the parking lot contract, were able to contact Mr. Bond in the Probation Department for assistance. Mr. Bond arranged for Probation Department Work Crews to help shovel out the vehicles in the long-term parking lot.

Report from the Capital Plan Review Committee

Ms. Robertson, Chair, said the Committee has not met since the last Legislature meeting. The next meeting will be March 11th at 3:30 p.m.

Member-Filed Resolution(s)

RESOLUTION NO. 31 - RESOLUTION IN OPPOSITION TO THE NEW NEW YORK STATE TAX IMPOSED RETROACTIVELY ON ALL LOCAL INDUSTRIAL DEVELOPMENT AGENCIES AS A MEANS TO HELP CLOSE THE STATE'S BUDGET DEFICIT

It was MOVED by Ms. Kiefer, seconded by Mr. McKenna, to adopt the following resolution. Ms. Herrera asked what the amount of the proposed tax would be; Mr. Mareane said it would be

approximately \$35,000. Ms. Robertson expressed appreciation to Ms. Kiefer for bringing the resolution forward.

A voice vote on the motion resulted as follows: Ayes – 15; Noes – 0. RESOLUTION ADOPTED.

WHEREAS, local Industrial Development Agencies (IDAs) serve as an important tool for economic development in counties and local communities across New York State, and

WHEREAS, the primary mission of local IDAs is the creation and retention of jobs for New York's residents, through innovative, locally driven and developed programs to make counties and local communities better places in which to invest, grow productive business enterprises, and create better business atmospheres to generate new economic activity and create jobs, thereby producing tax revenue, and

WHEREAS, until January 31, 2008, IDAs had been able to offer access to tax exempt bond financing to local not-for-profits for capital construction and earn fees therefrom, keeping that money local, and

WHEREAS, the fees paid by projects to IDAs were used to support critical local economic development programs

WHEREAS, the 2009-2010 State budget contained a maximum statewide "cost recovery" tax of \$5 million to "reimburse to New York State an allocable share of state governmental costs attributable to the provisions of services to industrial development agencies", and

WHEREAS, the State Department of Taxation and Finance has sent tax bills to every IDA in the state, for amounts corresponding to 4.7% of the gross revenue received by an IDA in the 2008 calendar year, payable by March 31, 2010, and

WHEREAS, the tax bills received by local IDAs were received long after local IDAs' budgets were developed and implemented, without the inclusion of this new and unanticipated tax in their adopted budgets, and

WHEREAS, the revenue received by IDAs subject to this tax can include payments in-lieu-of taxes collected for local governments and school districts, state and federal grants, and local taxpayer-funded appropriations, and

WHEREAS, imposing a state gross receipts tax on revenues from 2008 that include tax generated resources from the state and federal government is redundant and punitive, and will lead to these resources and those appropriated by counties for local job creation to be used instead to help bail out the state during its time of financial crisis, and

WHEREAS, the New York State Association of Counties has expressed strong opposition to the new tax, now therefore be it

RESOLVED, That the Tompkins County Legislature strongly opposes the imposition of the new tax on the gross revenues of local Industrial Development Agencies as a means to help eliminate the state budget deficit,

RESOLVED, further, That the Tompkins County Legislature calls upon the Governor and the State Legislature to repeal this onerous tax on the primary economic development organizations of New York's counties and other local government, a tax that will take local resources that could better be used to create jobs in our communities in this time of economic crisis,

RESOLVED, further, That the Clerk of the Legislature forward certified copies of said resolution to Governor David A. Paterson, New York State Senators James L. Seward, George H. Winner, Jr., and Michael F. Nozzolio, and Assemblywoman Barbara S. Lifton.

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Approval of the Minutes of February 16, 2010

Tompkins County Legislature
March 2, 2010

It was MOVED by Mr. Proto, seconded by Ms. Chock, and unanimously adopted by voice vote, to approve the minutes of February 16, 2010 as submitted. MINUTES APPROVED.

Recess

Chair Robertson called a recess from 8:20 – 8:29p.m.

Executive Session

It was MOVED by Mr. Dennis, seconded by Ms. Pryor, and unanimously adopted by voice vote by members present, to enter into executive session at 8:29 p.m. to discuss a real estate negotiations and litigation. The meeting returned to open session at 9:36 p.m.

Adjournment

On motion the meeting adjourned at 9:36 p.m.

Respectfully submitted by Karen Fuller, Deputy Clerk